IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.4561 OF 2006

Mohammad Rizwanuddin Shaikh ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri M.S.Karnik, adv. for the Applicant.
Smt.R.M.Gadhvi, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 22nd February, 2007.

P.C.:

1. Heard Mr.Karnik, the learned counsel for the applicant and Mrs. Mhatre, the learned APP for the State. Perused the police papers.

2. The applicant seeks to be released on bail in crime No.109 of 2006 registered at Manikpur Police Station for the offences punishable under Sections 420,255, 256, 257, 259, 465, 467, 468, 469, 471, 473, 474, 475, 476 read with Section 34 of the I.P.C. According to the prosecution on the basis of same information, spot of incident was raided and the present applicant was found actually preparing bogus and fake passports, visas and other documents and was found in possession of seals, dies, emblems, printers, etc., which were seized. The present applicant alongwith two other accused was arrested. Other two accused being

ladies are already granted bail. The learned counsel for the applicant contends that he is physically handicapped and he is in custody for the last about 11 months, therefore, he may also be granted bail. It appears that accused no.4 Mohammed Raza Nazmi, who is an Iranian citizen, had married Indian woman Sara, accused no.3 and they had taken a flat of accused no.2 Sumitra on rent. Accused no.4 involved the present applicant, Sumitra and his own wife and started illegal business of preparing forged and fake documents including passports. Accused no.4 Mohammed Raza is absconding and the police is not sure when he may be arrested. As far as his wife is concerned, there was no direct evidence against her. Accused no.2 Sumitra, the owner of the flat, was also found in the premises when the raid was conducted but she was granted bail merely because she is a woman. According to the prosecution, if the bail is granted to the present applicant, he may continue with the same nefarious activities, which are against the country.

3. In view of the fact that the country is facing menance of terrorism for a number of years, the preparation of forged documents and passports may create a serious problem for the national security and such documents may be misused by the terrorists also. Therefore, it will not be in the interest of justice to

grant bail to the present applicant. The learned APP, on instructions from the Investigation officer, makes a statement that the charge-sheet is already filed and as there is no possibility of arrest of accused no.4 in near future, the prosecution will have no objection to proceed with the trial. Therefore, the trial may be expedited by the Special Judge.

4. For the aforesaid reasons, the application stands rejected. However, the Additional Sessions Judge, Palghar is hereby directed to expedite the trial and dispose off the matter as early as possible.

(J.H.Bhatia,J.)